

Replaces House Amendment No. 1

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

AMEND Senate Bill No. 3288

House Bill No. 3297\*

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
_____

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_.

(a) The provisions of Section 1 of this act shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this act applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or non-profit corporation may conduct an executive session to discuss such trade secret or proprietary information provided that a notice of the executive session is included in the agenda for such meeting.

(b) As used in this section:

(1) "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes;

(2) "Proprietary information" means rating information, plans, or proposals; actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of

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such association or corporation and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments.

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